

37 CFR 1.56. DUTY OF DISCOSURE - INFORMATION MATERIAL TO PATENTABILITY (Applicable Portion)

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentability defines, to make sure that any material information contained therein is disclosed to the Office.

Information relating to the following factual situations enumerated in 35 USC 102 and 103 may be considered material under 37 CFR 1.56(a).

35 U.S.C. 102. CONDITIONS FOR PATENTABILITY: NOVELTY AND LOSS OF RIGHT TO PATENT

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
 - (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraph (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
 - (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

35 U.S.C. 103. CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER (Applicable Portion)

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

35 U.S.C. 112. SPECIFICATION (Applicable Portion)

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

(Status-Patented, Pending or Abandoned)

(Status-Patented, Pending or Abandoned)



DECLARATICAL FOR PATENT APPLICATION AND POWER OF ATTORNEY

next to the name: I believe that I am to	the original first and sale inverse	nce, post office address and citizenship	p are as stated	below
ioint inventor (if plural names are li-	are original, first and sole invento	r (if only one name is listed below) or	an original, fi	rst and
invention entitled "ANTING CORPAN	sted below) of the subject matter	which is claimed and for which a pa	tent is sought	on the
of which (checkers)	WE-LIKE COMPOUNDS AND	THERAPEUTIC METHODS OF US	\mathbf{SE} ," the specif	ication
of which (check one): \square is attached	l hereto; 🛛 was filed on Januar	y 10, 2002 as Application Serial No.	10/044,869 a	nd was
amended on	(if applicable); □	was filed as PCT International Appli	cation No	
on and was amend	led under Article 19 on	(if applicable). I her	reby state that	I have
reviewed and understand the contents	of the above-identified specificati	on, including the claims, as amended b	y any amendr	nent(s)
referred to above. I acknowledge th	e duty to disclose to the Patent	and Trademark Office all information	known to me	e to be
material to patentability as defined in	.37 C.F.R. §1.56.			
I hereby claim foreign prior	rity benefits under 35 U.S.C. §	119 of any foreign application(s) for	natent or inv	antan'a
certificate or of any PCT international	application(s) designating at least	t one country other than the United Stor	too of Amorica	1:
Application Serial Number) (Country) (Day/Month/Year Filed) (Country) (Day/Month/Year Filed) Yes No I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below: 50/260,948 Application Serial Number) (Day/Month/Year Filed)				
application(s) designating at least one	e country other than the United S	States of America 51-11-	y PC1 interna	ational
having a filing date before that of the	application(s) of which priority	is alaimed.	same subject	matter
g same control and or the	application(s) of which priority	is claimed:		
			•	
(Application Serial Number)	(Country)	(Day/Month/Year Filed)		
(A-1:-:: G :: N				
(Application Serial Number)	(Country)	(Day/Month/Year Filed)	Yes	No
I hereby claim the benefit un	der 35 U.S.C. §119(e) of any Ur	nited States provisional application(s)	listed below:	
60/260,948				
(Application Serial Number)				
		•		
60/262,196		17 January 2001		
(Application Serial Number)		(Day/Month/Year Filed)		
I hereby claim the benefit und	der 35 U.S.C. §120 of any United	d States application(s) or PCT internat	ional applicat	ion(s)
designating the United States of Amer	ica listed below and, insofar as the	he subject matter of each of the claims	s of this applic	cation
s not disclosed in the prior application	n(s) in the manner provided by the	ae first paragraph of 35 U.S.C. 8112	I acknowled	re the
duty to disclose to the Office all infor	mation known to me to be mater	rial to natentability as defined in 27 C	DD 21.57	,
occurred between the filing date of the	e prior application(s) and the nati	onel or PCT international files	.r 91.30 \	»пісп
	- From application(s) and the half	onal of PC1 international filing date of	of this application	tion:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(Day/Month/Year Filed)

(Day/Month/Year Filed)

(Application Serial Number)

(Application Serial Number)

POWER OF ATTORNEY: I be eby appoint as my attorneys, with full powers of · this application and transactall pusing stitution and revocation, to prosecute the Patent and Trademark Office connected rewith: John B. Lungmus (18,566) Patrick D. Ertel (26,877) Allen H. Gerstein (22,2 8) James J. Napoli (32,361) David A. Gass (38,153) Richard B. Hoffman(26,910) Richard M. La Barge (32,254) Nate F. Scarpelli (22,320) Gregory C. Mayer (38,238) James P. Zeller (28,491) Keyin D. Hogg (31,839) Robert M. Gerstein (34,824) Michael F. Borun (25,447) Michael R. Weiner (38,359) Carl E. Moore, Jr. (26,487) Anthony G. Sitko (36,278) William K. Merkel (40,725) Wifrey S. Sharp (31,879) James A. Flight (37,622) Richard H. Anderson (26,526) Martin J. Hirsch (32,237) Nabeela R. McMillian (43,363) Roger A. Heppermann (37,641)

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Michigan Date	Michigan
	Signature & June & Jacque

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California Date		State or Country California	
⊠ ⊠		Signature	

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City (Zip)	City (Zip)	
State or Country	State or Country	
Date ⊠	Signature ⊠	

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Residence Address - Street	Post Office Address - Street	
City (Zip)	City (Zip)	
State or Country	State or Country	
Date ⊠	Signature ⊠	

APPLICABLE RULES AND STATUT

37 CFR 1.56. DESTY OF DISCLOSURE - INFORMATION MATERIAL TO PATENTABILITY (Applicable Portion)

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prior art cited in search reports of a foreign patent office in a counterpart application, and (1)

the closest information over which individuals associated with the filing or prosecution of a patent (2) application believe any pending claim patentability defines, to make sure that any material information contained therein is disclosed to the Office.

Information relating to the following factual situations enumerated in 35 USC 102 and 103 may be considered material under 37

35 U.S.C. 102. CONDITIONS FOR PATENTABILITY: NOVELTY AND LOSS OF RIGHT TO PATENT

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- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraph (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent,
 - (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

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Atty. Docket No: 30275/38157

(Status-Patented, Pending or Abandoned)

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

The second secon	neredy deciate that my reside	ence, post office address and citizenship	are as stated below
next to my name; I believe that I am the	original, first and sole invent	tor (if only one name is listed below) or a	n original, first and
joint inventor (if plural names are listed	d below) of the subject matte	r which is claimed and for which a pate	ent is sought on the
invention entitled "AMINO CERAMID	E-LIKE COMPOUNDS AN	D THERAPEUTIC METHODS OF US	E," the specification
of which (check one): □ is attached h	ereto; 🛛 was filed on Janua	ary 10, 2002 as Application Serial No. 1	0/044,869 and was
amended on	(if applicable);	□ was filed as PCT International Applic	cation No.
on and was amended	d under Article 19 on	(if applicable). I here	eby state that I have
		ation, including the claims, as amended by	
		at and Trademark Office all information	•
material to patentability as defined in 3'			
4	-		
I hereby claim foreign priority	v benefits under 35 U.S.C.	§119 of any foreign application(s) for p	patent or inventor's
		ast one country other than the United State	
		or patent or inventor's certificate or any	
		d States of America filed by me on the s	
having a filing date before that of the a			anne suojeet mutter
	ppounon(o) or winen priorie	y is claimed.	n
			Priority ('laimed
			Priority Claimed
(Application Serial Number)	(Country)	(Day/Month/Year Filed)	-
(Application Serial Number)	(Country)		Yes No
			Yes No
(Application Serial Number) (Application Serial Number)	(Country)		Yes No
(Application Serial Number)	(Country)	(Day/Month/Year Filed)	Yes No Yes No Yes No
(Application Serial Number) I hereby claim the benefit under	(Country)		Yes No Yes No Yes No
(Application Serial Number) I hereby claim the benefit under 60/260,948	(Country)	(Day/Month/Year Filed) United States provisional application(s)	Yes No Yes No Yes No
(Application Serial Number) I hereby claim the benefit under	(Country)	(Day/Month/Year Filed) United States provisional application(s)	Yes No Yes No Yes No
(Application Serial Number) I hereby claim the benefit undo 60/260,948 (Application Serial Number)	(Country)	(Day/Month/Year Filed) United States provisional application(s) 10 January 2001 (Day/Month/Year Filed)	Yes No Yes No Yes No
(Application Serial Number) I hereby claim the benefit under 60/260,948	(Country)	(Day/Month/Year Filed) United States provisional application(s)	Yes No Yes No Yes No
(Application Serial Number) I hereby claim the benefit under 60/260,948 (Application Serial Number)	(Country)	(Day/Month/Year Filed) United States provisional application(s) 10 January 2001 (Day/Month/Year Filed) 17 January 2001	Yes No Yes No Yes No
(Application Serial Number) I hereby claim the benefit under 60/260,948 (Application Serial Number) 60/262,196 (Application Serial Number) I hereby claim the benefit under	(Country) er 35 U.S.C. §119(e) of any er 35 U.S.C. §120 of any Un	(Day/Month/Year Filed) United States provisional application(s) 10 January 2001 (Day/Month/Year Filed) 17 January 2001 (Day/Month/Year Filed) atted States application(s) or PCT internal	Yes No Yes No Yes No Yes No listed below:
(Application Serial Number) I hereby claim the benefit under 60/260,948 (Application Serial Number) 60/262,196 (Application Serial Number) I hereby claim the benefit under designating the United States of America	(Country) er 35 U.S.C. §119(e) of any er 35 U.S.C. §120 of any Un ca listed below and, insofar a	(Day/Month/Year Filed) United States provisional application(s) 10 January 2001 (Day/Month/Year Filed) 17 January 2001 (Day/Month/Year Filed) attention (S) or PCT internations the subject matter of each of the claims	Yes No Yes No Yes No In the second se
(Application Serial Number) I hereby claim the benefit under 60/260,948 (Application Serial Number) 60/262,196 (Application Serial Number) I hereby claim the benefit under designating the United States of America	(Country) er 35 U.S.C. §119(e) of any er 35 U.S.C. §120 of any Un ca listed below and, insofar a	(Day/Month/Year Filed) United States provisional application(s) 10 January 2001 (Day/Month/Year Filed) 17 January 2001 (Day/Month/Year Filed) atted States application(s) or PCT internal	Yes No Yes No Yes No In the second se

(Application Serial Number) (Day/Month/Year Filed) (Status-Patented, Pending or Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information

occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

(Day/Month/Year Filed)

and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements

may jeopardize the validity of the application or any patent issued thereon.

(Application Serial Number)

POWER OF ATTORNEY: I hereby appoint as my attorneys, with full powers of postitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected rewith:

John B. Lungmus(18,565)
Allen H. Gerstein (22,218)
Nate F. Scarpelli (22,320)
Michael F. Borun (25,447)
Carl E. Moore, Jr. (26,487)
Richard H. Anderson (26,526)

Patrick D. Ertel (26,877)
Richard B. Hoffman(26,910)
James P. Zeller (28,491)
Keyin D. Hogg (31,839)
Seffrey S. Sharp (31,879)
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James J. Napoli (32,361) Richard M. La Barge (32,254) Robert M. Gerstein (34,824) Anthony G. Sitko (36,278) James A. Flight (37,622) Roger A. Heppermann (37,641) David A. Gass (38,153) Gregory C. Mayer (38,238) Michael R. Weiner (38,359) William K. Merkel (40,725) Nabeela R. McMillian (43,363)

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State or Country California Date		State or Country California	
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City (Zip)	City (Zip)	
State or Country	State or Country	
Date ⊠	Signature ⊠	

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City (Zip)	City (Zip)	
State or Country	State or Country	
Date ⊠	Signature ⊠	